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January 21, 1999

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EX PARTE

Ms. Magalie Roman Salas
Secretary
Federal Commission
Portals II
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Application of SBC Communications, Inc. and
Ameritech Corporation for Authority to Transfer
Control of Certain Licenses and Authorizations, CC
Docket No. 98-141 - Notice of Ex Parte Presentation

Dear Ms. Salas:

Pursuant to Section 1.1206(b) of the Commission's Rules, Total-Tel USA Communications, Inc. and Telemarketing Investments, Inc. hereby submit their notice of an oral *ex parte* presentation in the above-referenced permit-but-disclose proceeding. On January 20, 1999, William J. Byrnes, the undersigned attorney, and John R. Gerstein and Merril Hirsh of Ross, Dixon & Bell, L.L.P. met with Thomas Power of Chairman Kennard's office for approximately an hour to discuss the referenced proceeding.

The representatives discussed SBC's continued refusal to comply with the Commission's repeated orders to disgorge overcharges collected between 1986 to 1993 on resold 800 services. The Commission has repeatedly found SBC liable for these overcharges, and, in light of this deliberate and protracted noncompliance, the Commission cannot make the requisite finding that SBC has the statutorily-required character qualifications. The representatives urged that, if the Commission ignores a decade-long refusal by a monopoly carrier to comply with the Commission's orders, the practical effect would be to eviscerate the Commission's authority and credibility in the marketplace. Even if the United States District Court should ultimately compel SBC and its allies to pay these overcharges and the tariffed interest to the injured resale carriers, the Commission and the Commission alone must take action to prevent the crippling of future competition by a powerful monopoly carrier who has demonstrated that it can and will destroy its competitors by defying the Commission's repeated specific access charge orders for more than a decade.

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William J. Byrnes

Ms. Magalie Roman Salas

January 21, 1999

Page 2

Copies of this Notice of Ex Parte Presentation are being provided to the Commission staff members identified in the attached certificate of service and served on each party to the proceeding. An original and one copy are being submitted to the Secretary's office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William J. Byrnes", is written over the typed name.

William J. Byrnes

Counsel for

Total-Tel USA Communications, Inc. and

Telemarketing Investments, Inc.

CERTIFICATE OF SERVICE

This is to certify that the attached document has been served by first class mail, postage prepaid, on this 21st day of January, 1999, on the following:

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